



Department of Justice



ENVIRONMENTAL PROTECTION AGENCY

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U.S. ANNOUNCES CLEAN AIR ACT SETTLEMENT WITH DUPONT IN NEW JOHNSONVILLE, TENNESSEE

WASHINGTON, D.C. – The Department of Justice and the U.S. Environmental Protection Agency (EPA) today announced a settlement with DuPont to resolve alleged Clean Air Act violations of the repair, testing, recordkeeping, and reporting regulations for appliances that use ozone-depleting substances. The violations occurred at DuPont's titanium dioxide manufacturing facility located in New Johnsonville, Tennessee.

In the complaint filed simultaneously with the consent decree, the United States alleges that DuPont violated the Clean Air Act after its industrial process refrigeration equipment (IPRs) and comfort cooling appliances leaked hydrochlorofluorocarbon-22 (HCFC-22) refrigerant in excessive amounts, and DuPont failed to perform the required testing, reporting, recordkeeping, and repairs pursuant to enforcing recycling, emissions and reduction requirements involving ozone protection. As a result, nearly 9,000 pounds of refrigerant leaked into the atmosphere. The leaking of refrigerant from the IPRs and the comfort cooling appliances at DuPont's facility results in the depletion of the stratospheric ozone layer which causes an increased exposure to the sun's harmful rays. The harmful ultraviolet rays can cause skin cancer.

The agreement filed today in federal court in Nashville, Tennessee settles all federal claims set forth in the complaint. Under the proposed agreement, the Delaware-based DuPont will perform injunctive relief valued at \$1.1 million, pay \$250,000 in civil penalties, and perform a Supplemental Environmental Project (SEP) valued at \$1.2 million. In accordance with the injunctive relief and the SEP, DuPont will replace or retrofit each 1,700-ton chiller or IPR with IPRs that use only non-ozone depleting refrigerant. This settlement will remove over 20,000 pounds of ozone-depleting refrigerants into the environment each year.

"Today's settlement demonstrates this administration's commitment to reducing harmful pollutants that damage our air supply," stated Kelly A. Johnson, Acting Assistant Attorney General for the Justice Department. "The residents in and around this area will benefit from these significant improvements."

“The environmental threat from ozone depleting substances is serious and this action demonstrates EPA’s continued commitment to enforcing the Stratospheric Ozone Protection program,” Jimmy Palmer, EPA Regional Administration in Atlanta, stated.

DuPont owns and operates a plant located in New Johnsonville, Tennessee, where it manufactures titanium dioxide (TiO₂) that is used in paints, plastics, inks, paper, and toothpaste to make such materials opaque. IPRs, in the form of 1,700-ton chillers, are used in the oxidation process where titanium tetrachloride and superheated oxygen are mixed in a reactor to yield TiO₂. There are a total of four IPRs utilized in the process of manufacturing TiO₂. Three of these chillers are currently charged with 5,300 pounds of HCFC-22 refrigerant and one chiller is charged with 4,500 pounds of HCFC-22 refrigerant, which is an ozone depleting substance. DuPont also maintains several comfort cooling appliances that are charged with HCFC-22 refrigerant.

A 30-day public comment period will follow the lodging of the complaint.

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